IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of:

James P. Elia

Group Art Unit: 1647

Serial No.: 09/836,750

Examiner: Daniel C. Gamett

Filed: April 17, 2001

For:

METHOD FOR GROWING

MUSCLE IN A HUMAN

HEART

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on:

Date of signature

RESPONSE TO NOTICE REOUIRING EXTENSION OF TIME FEE

MAIL STOP AF Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450

Sir:

This letter responds to the April 6, 2009 Office communication entitled Notice Requiring Extension of Time Fee (copy attached) advising that the extension fee submitted with Applicant's Notice of Appeal, dated February 27, 2009, and received by the U.S. Patent and Trademark Office on March 3, 2009, was insufficient. The Notice further advised that a balance of \$15 was due.

04/14/2009 HVUDNG1 00000017 09836750

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15.00 OP

Sent By: Gerald White and Associates;

312-920-0580;

Apr-9-09 1:07PM;

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Page 1/1

DOCKET NO. 1000-10-CO1

Appellant hereby encloses Check No. 1734 in the amount of \$15.00 as required.

Appellant believes that the submission of the enclosed extension fee fully responds to the requirements of the above-identified Notice.

Respectfully submitted,

Dated: APRIC 9, ZOU9

Gerald K. White Reg. No. 26,611

Attorney for Appellant

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UNITED STATES PATENT AND TRADEMARK OFFICE



Gerald K. White GERALD K. WHITE & ASSOCIATES, P.C. 205 W. Randolph Street, Suite 835 Chicago, IL 60606

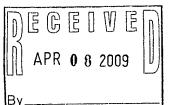
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Paper No.

Application No.:	09/836,750	Date Mailed:	04/06/2009
First Named Inventor:	Elia, James, P.	Examiner:	GAMETT, DANIEL C
Attorney Docket No.:	1000-10-C01	Art Unit:	1647
Confirmation No.:	7239	Filing Date:	04/17/2001

Please find attached an Office communication concerning this application or proceeding.

4) q	Application No.	Applicant(s)				
NOTICE REQUIRING EXTENSION OF TIME FEE	09/836,750	ELIA, JAMES P.				
No New Time Period is Provided		Art Unit				
(\$		3998				
APR 1 3 2009 W			<u> </u>			
Applicant's reply to the Action mailed on 02 October						
Applicant's reply to the Action mailed on 02 October	r, 2008 was received in the (Office on 03 March, 20	09, which			
is after the expiration of the period for reply set in the Office action. The time period for reply continues to run from the						
mailing date of the Office action. This application will become ABANDONED unless applicant obtains an extension of						
time by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee as set forth in 37 CFR 1.17(a)(1)-(5)						
within the maximum extendable time period for reply (e.g.,	six months for a reply to a n	on-final rejection).				
The date on which the petition under 37 CFR 1.136(a) and to purposes of determining the period of extension and the comperiod is determined by the amount of the fee paid. In no ca SIX (6) MONTHS statutory period or obtain an extension for set forth in an Office action.	responding amount of the fe se may an applicant reply la	e due. The expiration of ter than the maximum	of the time period of			
1. The appropriate extension of time fee is missing.	<u> </u>					
2. The extension of time fee submitted is insufficient.						
3. The funds in Deposit Account No. are insufficient to set forth in this notice. See note below regarding the appropriate s	cover the entire fee due. The bervice charge.	palance is due within the	time period			
4. The Credit Card payment to cover the entire fee due to Account (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.						
Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due): A two month extension of time for a small entity is \$245.00. There is a balance of \$15.00 due.						
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THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANG 1.17 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETE THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFI SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPL AVAILABLE ON THE USPTO'S WEBSITE AT: http://www.us. Service Charges: There is a \$50 service charge for processing each arged back by a financial institution (37 CFR 1.21(m)). There is deposit account is below \$1000 at the end of the month (37 CFR 1.21).	RMINED AS OF THE DATI CE (37 CFR 1.8 & 1.10). BEC ICANT CHECK THE CURRE pto.gov/web/offices/ac/qs/ope/ ch payment refused (including s a \$25.00 service charge for ea	E A COMPLETE REPICAUSE THE AMOUNT ENT FEE SCHEDULE Volleges.htm a check returned "unpaid	LY WITH DUE IS WHICH IS I'') or			
Technical Support Staff (TSS): /CORALIA BETANCOUR'		nber: (571)272-0509				
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Note to TSS: Please do NOT use this notice if the applica	ition is under a final reject	ion.				

U.S. Patent and Trademark Office

Part of Paper No. 20090404-1